

1:01-CV-749

DISTRICT COURT  
2 COPIES

ONE  
OF  
2

# PROOF OF SERVICE

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OCT 03 2001

PER  DEPUTY CLERK

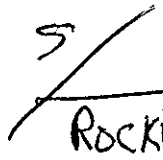
I Michael Potopowicz, do hereby CERTIFY

THAT I HAVE SERVED A COPY OF THIS AFFIDAVIT  
UPON THE ATTORNEY GENERAL OF THE STATE OF PENNSYLVANIA  
BEING FRANCIS R. FILIPPI ESQ, AT, 15TH FLOOR,  
STRAWBERRY SQUARE, HARRISBURG, PENNSYLVANIA,  
17120, ALSO A COPY TO THE THIRD CIRCUIT  
COURT OF APPEALS, 601 MARKET STREET,  
PHILADELPHIA, PENNSYLVANIA, 19106.

THIS DATE, SEPTEMBER 27, 2001, SERVICE BY  
FIRST CLASS MAIL, POSTAGE PAID.

Respectfully Submitted

DATE: September 27, 2001

  
ROCKVIEW STATE PRISON

Box A  
11-16823

11. Have you paid \_\_\_\_ Or will you be paying \_\_\_\_ anyone other than attorney (such as a paralegal or typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☐ No If yes, how much? \$ \_\_\_\_\_

If yes state the person's name, address and telephone number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

*Jail keeps raising prices but not raising pay*  
(Jail) There paying 4.85 per cable line and charging prisoners \$15.45  
\$m on Medical bill pay I get 15.85 per mo. I cannot work I pay  
Court costs for cell case and Surcharge Payments of 10.00 per mo  
To NO DMU My Uncle sends money when he can sometimes 50.00 some times 100  
My spouse cannot afford to send any money and is in extreme debt because am  
13. State the address of your legal residence. In Jail because of M. Wheeler Warden & Dr. Warden  
66 Indian Country F7 #2 Civil case. I am in debt to my uncle for paying  
Gouldsburg PA 18424 New SCI Rockview my taxes + bills + helping  
Your daytime telephone number: (326) 676-3503 my spouse + family for  
Your age: 30 Your years of Schooling: 10 3 years and if I am denied  
Your social security number: 136-708279 Parole I will max out next  
year then I will owe yrs  
of bills + taxes to my uncle  
for helping us keep at  
home.

I may be able to ask my uncle for the \$105.00  
filing + appeal fee if so he will send it directly to the Court  
if not I'll pay it in payments out of my account.

	You	Your Spouse
Installment payments	\$ <u>80.00</u>	\$ <u>200.00</u>
Credit Card (name): <u>VISA</u>		
<u>Mastercard Discover</u>	\$ <u>0</u>	\$ <u>200.00 Mo</u>
Department Store (name): <u>Sears</u>	\$ _____	\$ <u>?</u>
Other: _____	\$ _____	\$ _____
Alimony, maintenance and support paid to others	\$ <u>80.00</u>	\$ <u>0</u>
Regular expenses for operation of business or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses:	\$ <u>380.00</u>	\$ <u>650.00</u>

(↑ When not in jail, or winter oil-gas) Because am in jail

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you paid \_\_\_\_\_ Or will you be paying \_\_\_\_\_ an attorney any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No If yes, how much? \$ \_\_\_\_\_

If yes state the attorney's name, address and telephone number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or Home Mortgage (Include lot rented for mobile home)	\$ <u>0</u>	\$ <u>0</u>
Are real estate taxes included?		
<input type="checkbox"/> yes <input checked="" type="checkbox"/> no		
Is property insurance included?		
<input type="checkbox"/> yes <input checked="" type="checkbox"/> no		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>315.00</u>	\$ <u>315.00</u>
Home maintenance (repairs and upkeep)	\$ <u>50</u>	\$ <u>50.00</u>
Food	\$ <u>200</u>	\$ <u>200</u>
Clothing	\$ <u>50</u>	\$ <u>50</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>?</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>0</u>
Transportation (not including motor vehicle payments)	\$ <u>40</u>	\$ <u>40</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>30</u>	\$ <u>30</u>
Insurance (not deducted from wages or included in mortgage payments)	\$ <u>179.4R</u>	\$ <u>179.00YR</u>
Homeowners or renters	\$ <u>179.4R</u>	\$ <u>17.9YR</u>
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ <u><del>200.00</del> 0</u>	\$ <u>70.00</u>
Other: <u>Property + School</u>	\$ <u>0</u>	\$ <u>200.00</u>
<u>TAX-Credit Cards</u>		
Taxes (not deducted from wages or included in mortgage payments)(specify): <u>School</u> <u>+ property tax yearly</u>	\$ <u>800.00</u>	\$ <u>800.00</u>

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	(Value)	Other real estate	(Value)	Motor Vehicle # 1	(Value)
1971 Mobil-Lot	\$23,500.00	NONE		Make & year: 1980	500.00
				Chevrolet	
				Model: Camaro	
				Registration #: NONE	

Motor Vehicle # 2	(Value)	Other assets	(Value)	Other assets	(Value)
Make & year: 1986 or 7		NONE		NONE	
FORD	\$500.00				
Model:aurus					
station wagon					
Registration #: N/A					

6. State every person, business or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
NONE	NONE	NONE

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
Ann Marie Potapowicz	Daughter	8
Zachary Archut	son	16
Michael T Potapowicz	son	4

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
N/A	N/A	N/A	15.00 Prison Take for
			15.00
			\$ 15.00

3. List your spouse's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
N/A	N/A	N/A	Unknown

4. How much cash do you and your spouse have? \$ 0

Below, state any money you or spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
Penn Security Bank	Checking	\$ 0	\$ -100.00
		\$	\$
		\$	\$

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement for each account.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

INCOME SOURCE	AVERAGE MONTHLY AMOUNT DURING THE PAST 12 MONTHS	AMOUNT EXPECTED NEXT MONTH
	You	You
Employment	\$ <u>0</u>	\$ <u>0</u>
Self-Employment	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>
Interest and Dividends	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>50 to 100.00</u>	\$ <u>50 to 100.00</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>
Public Assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>aunt</u>	\$ <u>50 to 100.00</u>	\$ <u>50 to 100.00</u>
<b>Total monthly income</b>	\$ <u>50 to 100.00</u>	\$ <u>50 to 100.00</u>

Affidavit accompanying Motion for  
Permission to Appeal In Forma Pauperis

United States District Court for the Middle of Pennsylvania

POTOPWICZ, D.S. 8353

v.

Wheeler, et. AL;

D.C. Case No. 01-CV-00749

Third Cir. No. 01-3481

**Affidavit in Support of Motion**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury that my answers on this form are true and correct. (28 U.S.C. § 1746, 18 U.S.C. § 1621)

Signed: Michael Potopwicz

**Instructions**

Complete all questions on this application and then sign it. Do not leave any blanks. If the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate piece of paper identified with your name, your case's docket number, and the question number.

Date: 9/20/2001

**My issues on Appeal are:**

VIOLATIONS OF MY CONSTITUTIONAL RIGHTS UNDER  
THE 8TH. AMENDMENT;  
14TH. AMENDMENT;  
1ST. AMENDMENT;  
A.D.A. VIOLATIONS;



2 D.S. 8353

PA. 16823



U.S. Court of Appeals  
for the 3<sup>rd</sup> Circuit  
21400 U.S. Court House  
601 Market St.  
Philadelphia, PA 19106-1790  
ATTN: Marcia M. Waldron

UNITED STATES  
POSTAL SERVICE®

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PAY TO: U.S. court of appeals 3 <sup>rd</sup> circuit		CHECKWRITER IMPRINT AREA	00105200
ADDRESS: 21400 U.S. Court House, 601 Market St.		FROM: Michael Potopowicz D.S. 8353	
Philadelphia, PA. 19106-1790		ADDRESS: Box A	
C.O.D. NO. OR USED FOR: court #01-348, civil #01-cv-00749		Bellevue, PA 16823	

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**CERTIFICATION OF PRISON ACCOUNT STATEMENT**

**NOTICE TO PRISONER:** You must submit to this Court a certified copy of your prison trust fund account statement (or institutional equivalent) for each institution in which you have been confined for the six-month period immediately preceding the date of this application. 28 U.S.C. §1915(a)(2). If you were housed in more than one institution in the past 6 months, a copy of the certification must be completed by each institution. The following certification from an authorized officer of your institution(s) must accompany the account statement(s):

**NOTICE TO PRISON OFFICIALS:** Pursuant to the Prison Litigation Reform Act, you will be obligated to forward payments to the appropriate United States District Court if the prisoner herein is granted leave to proceed in forma pauperis. 28 U.S.C. § 1915(b)(2) (April 26, 1996). Pursuant to that statute, once an initial partial fee is paid, the prison official in charge of the prisoner's account must forward monthly payments of 20% of the income credited to the prisoner's account during the preceding month, each time the amount in the account exceeds \$10, until the entire filing and/or docketing fee has been paid.

I certify that the attached trust fund account statement (or institutional equivalent) is true and correct.



Authorized Officer of Institution

Ray Cingel  
Accountant I

September 17, 2001

RE: DS8353 Michael Potopowicz

PA DEPT. OF CORRECTIONS  
BUREAU OF COMPUTER SERVICES  
REMOTE PRINT TIME 11:32

INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM PURGE FILE

RUN IAS365  
DATE 9/17/2001  
PAGE 1

INMATE NAME  
NUMBER LAST FIRST MI  
DS8353 POTOPOWICZ MICHAEL J

STARTING BALANCE  
-4.06

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
9101	01-04-2001 34	RADIO/TV		
		BASIC CABLE TV AND HBO	-10.85	-14.91
1809	01-08-2001 13	PERSONAL GIFT FROM		
		POTOPOWICZ, DENNIS #E894888	50.00	35.09
8009	01-09-2001 32	ROC COMMISSARY		
		FOR 1/09/2001	-27.79	7.30
1855	01-16-2001 37	POSTAGE		
		JANUARY	-11.05	-3.75
1859	01-16-2001 10	MAINTENANCE PAYROLL		
		DECEMBER WAGE 2000	17.40	13.65
9102	02-01-2001 34	RADIO/TV		
		BASIC CABLE TV AND HBO	-10.85	2.80
2066	02-12-2001 10	MAINTENANCE PAYROLL		
		JANUARY 2001 WAGES	8.76	11.56
9103	03-01-2001 34	RADIO/TV		
		BASIC CABLE TV AND HBO	-10.85	.71
BALANCE AFTER THESE TRANSACTIONS----->				.71

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INMATE ACCOUNTS SYSTEM  
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PAGE 1

INMATE	NAME				STARTING BALANCE
NUMBER	LAST	FIRST	MI		
DS8353	POTOPOWICZ	MICHAEL	J		.71

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
9164	04-02-2001 34	RADIO/TV		
		BASIC CABLE TV AND HBO	-10.85	-10.14
2452	04-05-2001 37	POSTAGE		
		APRIL	-3.81	-13.95
2494	04-11-2001 13	PERSONAL GIFT FROM		
		POTOPOWICZ, D #F309817	50.00	36.05
2516	04-12-2001 36	PRINTED MATERIALS		
		OWNER	-2.00	34.05
8106	04-16-2001 32	ROC COMMISSARY		
		FOR 4/17/2001	-25.84	8.21
8107	04-17-2001 32	ROC COMMISSARY		
		FOR 4/17/2001	-3.81	4.40
2556	04-19-2001 37	POSTAGE		
		APRIL	-1.39	3.01
2557	04-19-2001 38	INSIDE PURCHASES		
		LIBRARY COPIES - APRIL	-2.90	.11
2608	04-27-2001 13	PERSONAL GIFT FROM		
		POTOPOWICZ, DENNIS #F086632	100.00	100.11
8121	05-01-2001 32	ROC COMMISSARY		
		FOR 5/02/2001	-24.34	75.77
2660	05-03-2001 36	PRINTED MATERIALS		
		JC WHITNEY	-24.94	50.83
9105	05-03-2001 34	RADIO/TV		
		BASIC CABLE TV AND HBO	-10.85	39.98
2661	05-04-2001 37	POSTAGE		
		MAY	-5.15	34.83
2665	05-04-2001 14	MISCELLANEOUS		
		REFUND FEBRUARY CABLE SERVICE	10.85	45.68
2665	05-04-2001 14	MISCELLANEOUS		
		REFUND MARCH CABLE SERVICE	10.85	56.53
2672	05-07-2001 37	POSTAGE		
		MAY	-.97	55.56
2690	05-08-2001 39	LEGAL FEES		
		MIDDLE DISTRICT - INITIAL PYMT	-13.64	41.92
8128	05-08-2001 32	ROC COMMISSARY		
		FOR 5/08/2001	-16.31	25.61
2728	05-14-2001 10	MAINTENANCE PAYROLL		
		WAGES (APRIL)	15.12	40.73
2739	05-15-2001 39	LEGAL FEES		
		MAY COURT PAYMENT	-3.02	37.71
8135	05-15-2001 32	ROC COMMISSARY		
		FOR 5/15/2001	-14.63	23.08
2755	05-16-2001 44	ORGANIZATIONAL		
		NATIVE AMERICAN DONATION	-5.00	18.08

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INMATE ACCOUNTS SYSTEM  
PARTIAL ACCOUNT LISTING  
FROM PURGE FILE

RUN IAS365  
DATE 9/17/2001  
PAGE 2

INMATE NAME  
NUMBER LAST FIRST MI  
DS8353 POTOPOWICZ MICHAEL J

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
2776	05-18-2001 13	PERSONAL GIFT FROM POTOPOWICZ, D #F084280	100.00	118.08
8142	05-22-2001 32	ROC COMMISSARY FOR 5/22/2001	-22.39	95.69
2811	05-23-2001 36	PRINTED MATERIALS AMERICAN IRON MAGAZINE	-19.95	75.74
2845	05-30-2001 37	POSTAGE MAY	-3.95	71.79
8152	06-01-2001 32	ROC COMMISSARY FOR 6/01/2001	-36.46	35.33
9106	06-04-2001 34	RADIO/TV BASIC CABLE TV AND HBO	-10.85	24.48
2894	06-05-2001 36	PRINTED MATERIALS WAYNE COUNTY TAX OFFICE	-5.00	19.48
2939	06-11-2001 10	MAINTENANCE PAYROLL WAGES (MAY)	15.84	35.32
2944	06-12-2001 13	PERSONAL GIFT FROM POTOPOWICZ, D #F089781	50.00	85.32
2947	06-12-2001 39	LEGAL FEES JUNE COURT PYMT(1:01-CV-00749)	-33.17	52.15
8163	06-12-2001 32	ROC COMMISSARY FOR 6/12/2001	-17.56	34.59
2964	06-13-2001 44	ORGANIZATIONAL JAYCEE ICE CREAM TICKETS	-20.00	14.59
2998	06-18-2001 38	INSIDE PURCHASES LIBRARY COPIES	-1.20	13.39
2998	06-18-2001 38	INSIDE PURCHASES LIBRARY COPIES	-.40	12.99
2998	06-18-2001 38	INSIDE PURCHASES LIBRARY COPIES	-.40	12.59
8170	06-19-2001 32	ROC COMMISSARY FOR 6/19/2001	-12.53	.06
BALANCE AFTER THESE TRANSACTIONS----->				.06

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INMATE	NAME				STARTING BALANCE
NUMBER	LAST	FIRST	MI		
DS8353	POTOPOWICZ	MICHAEL	J		.06

BATCH #	DATE MO DY YEAR		TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
3104	07-02-2001	13	PERSONAL GIFT FROM POTOPOWICZ, D #F082720	100.00	100.06
9107	07-02-2001	34	RADIO/TV BASIC CABLE TV AND HBO	-10.85	89.21
8184	07-03-2001	32	ROC COMMISSARY FOR 7/05/2001	-18.72	70.49
3124	07-05-2001	36	PRINTED MATERIALS JC WHITNEY	-29.94	40.55
3124	07-05-2001	36	PRINTED MATERIALS FOG HOLLOW 2001 CATALOG	-5.00	35.55
3130	07-06-2001	37	POSTAGE JULY	-2.41	33.14
8191	07-10-2001	32	ROC COMMISSARY FOR 7/10/2001	-13.07	20.07
3186	07-13-2001	36	PRINTED MATERIALS HARLEYSVILLE MOTORCYCLE CO.	-6.95	13.12
3194	07-16-2001	10	MAINTENANCE PAYROLL JUNE WAGES	15.12	28.24
3208	07-17-2001	39	LEGAL FEES JULY COURT PYMT #1:01-CV-00749	-18.24	10.00
3208	07-17-2001	39	LEGAL FEES JULY COURT PYMT NJ-AISC	-10.00	.00
3255	07-24-2001	13	PERSONAL GIFT FROM POTOPOWICZ, D #F567039	100.00	100.00
3272	07-25-2001	38	INSIDE PURCHASES LIBRARY COPIES	-17.40	82.60
8207	07-26-2001	32	ROC COMMISSARY FOR 7/27/2001	-35.49	47.11
8214	08-02-2001	32	ROC COMMISSARY FOR 8/02/2001	-27.61	19.50
9108	08-02-2001	34	RADIO/TV BASIC CABLE TV AND HBO	-10.85	8.65
3346	08-06-2001	37	POSTAGE AUGUST	-2.41	6.24
8221	08-09-2001	32	ROC COMMISSARY FOR 8/10/2001	-5.77	.47
3396	08-13-2001	10	MAINTENANCE PAYROLL JULY WAGES 2001	15.12	15.59
3408	08-14-2001	39	LEGAL FEES AUGUST COURT PAYMENT	-7.79	7.80
3408	08-14-2001	39	LEGAL FEES AUGUST COURT PAYMENT	-7.80	.00
3438	08-17-2001	41	MEDICAL CO-PAY 08-16-01	-4.00	-4.00

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DATE 9/17/2001  
PAGE 2

INMATE	NAME		
NUMBER	LAST	FIRST	MI
DS8353	POTOPOWICZ	MICHAEL	J

BATCH	DATE		TRANSACTION DESCRIPTION	TRANSACTION	BALANCE AFTER
#	MO DY YEAR			AMOUNT	TRANSACTION
3461	08-21-2001	13	PERSONAL GIFT FROM DENNIS POTOPOWICZ #331678	60.00	56.00
3463	08-21-2001	38	INSIDE PURCHASES LIBRARY COPIES	-.40	55.60
8235	08-23-2001	32	ROC COMMISSARY FOR 8/23/2001	-25.98	29.62
3488	08-24-2001	37	POSTAGE AUGUST	-3.50	26.12
3517	08-29-2001	36	PRINTED MATERIALS MC WATEHOUSE	-5.00	21.12
3517	08-29-2001	36	PRINTED MATERIALS EASY RIDERS ROADWARE	-5.00	16.12
3517	08-29-2001	36	PRINTED MATERIALS USA TWINS	-7.95	8.17
8242	08-30-2001	32	ROC COMMISSARY FOR 8/30/2001	-6.79	1.38
3540	09-04-2001	13	PERSONAL GIFT FROM POTOPOWICZ, D #F568445	50.00	51.38
3564	09-06-2001	38	INSIDE PURCHASES LIBRARY COPIES (8/22)	-6.20	45.18
8249	09-06-2001	32	ROC COMMISSARY FOR 9/06/2001	-33.78	11.40
9109	09-06-2001	34	RADIO/TV BASIC CABLE TV AND HBO	-15.25	-3.85
3630	09-17-2001	10	MAINTENANCE PAYROLL AUGUST WAGES 2001	16.56	12.71
BALANCE AFTER THESE TRANSACTIONS----->					12.71